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Attorneys for Defendants AEROFLEX INCORPORATED, AMI SEMICONDUCTOR, INC., MATROX ELECTRONIC SYSTEMS, LTD., MATROX GRAPHICS INC., MATROX INTERNATIONAL CORP. and MATROX TECH, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

RICOH COMPANY, LTD.,

) Case No. CV 03-04669 MJJ (EMC)

**Plaintiffs,**

) **DECLARATION OF THOMAS C.  
MAVRAKAKIS IN SUPPORT OF  
DEFENDANTS' REPLY BRIEF IN  
SUPPORT OF ITS MOTION TO S  
RICOH'S DISCLOSURE OF ASSE  
CLAIMS AND PRELIMINARY  
INFRINGEMENT CONTENTION**

V

AEROFLEX INCORPORATED, AMI SEMICONDUCTOR, INC., MATROX ELECTRONIC SYSTEMS, LTD., MATROX GRAPHICS, INC., MATROX INTERNATIONAL CORP., and MATROX TECH, INC.,

- ) Date: May 4, 2004
- ) Time: 9:30 a.m.
- ) Courtroom: 11

#### Defendants

Judge Jenkins

I, Thomas C. Mavrakakis, hereby declare as follows:

1. I am an attorney of law licensed to practice in the State of California and a partner of the law firm of Howrey Simon Arnold & White, LLP, attorneys for Defendants Aeroflex Incorporated, AMI Semiconductor, Inc., Matrox Electronic Systems, Ltd., Matrox Graphics Inc., Matrox International Corp. and Matrox Tech, Inc. The matters set forth in this declaration are based upon my personal knowledge, except where otherwise indicated, and if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of the 4/19/04 Printout that I made from the Merriam-Webster OnLine Website ([www.m-w.com](http://www.m-w.com)) for definitions of the terms “instrumentality,” “instrumental,” and “instrument.”

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration was executed in Menlo Park, California on April 20, 2004.

/s/ Thomas C. Mavrakakis  
Thomas C. Mavrakakis

## **EXHIBIT A**

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## Merriam-Webster Online Dictionary

**Thesaurus**

One entry found for **instrumentality**.

Main Entry: **in·stru·men·tal·i·ty** ⓘ

Pronunciation: "in(t)-str&-m&n-'ta-l&-tE, -"men-

Function: *noun*

Inflected Form(s): *plural -ties*

**1 : the quality or state of being instrumental**

**2 : MEANS, AGENCY**

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**Thesaurus**

One entry found for **instrumental**.

Main Entry: **in·stru·men·tal**

Pronunciation: "in(t)-str&- 'men-t&l"

Function: *adjective*

- 1 **a** : serving as a means, agent, or tool <was *instrumental* in organizing the strike> **b** : of, relating to, or done with an instrument or tool
  - 2 : relating to, composed for, or performed on a musical instrument
  - 3 : of, relating to, or being a grammatical case or form expressing means or agency
  - 4 : of or relating to instrumentalism
  - 5 : **OPERANT** 3 <*instrumental learning*> <*instrumental conditioning*>
- **instrumental** *noun*  
- **in·stru·men·tal·ly** /-t&l-E/ *adverb*

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instrument[1,noun]  
 instrument[2,transitive verb]  
 brass instrument  
 instrument flying  
 instrument landing  
 instrument panel

[Go](#)**Main Entry:** **1in·stru·ment** **Pronunciation:** 'in(t)-str&-m&nt**Function:** noun**Etymology:** Middle English, from Latin *instrumentum*, from *instruere* to arrange, instruct**1 :** a device used to produce music**2 a :** a means whereby something is achieved, performed, or furthered **b :** one used by another as a means or aid : **DUPE, TOOL****3 :** **IMPLEMENT**; *especially* : one designed for precision work**4 :** a formal legal document (as a deed, bond, or agreement)**5 a :** a measuring device for determining the present value of a quantity under observation **b :** an electrical or mechanical device used in navigating an airplane; *especially* : such a device used as the sole means of navigating**synonym** see **IMPLEMENT****Merriam-Webste** **Dictionary** **Thesaurus**

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